

Debtor(s).

Location: Courtroom 301, 21041 Burbank Boulevard, Woodland Hills, California 91367

Overbid procedure (*if any*): See attached page 1

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Date: August 8, 2019
Time: 2:00 p.m.
Location: Courtroom 301
United States Bankruptcy Court
21041 Burbank Boulevard
Woodland Hills, California 91367

Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):

Raymond H. Aver, Esquire
Law Offices of Raymond H. Aver
A Professional Corporation
10801 National Boulevard, Suite 100
Los Angeles, California 90064
Telephone: (310) 571-3511
email: ray@averlaw.com

Date: 07/18/2019

PROPOSED OVERBID PROCEDURES

The following proposed bid procedures are intended to permit a fair and efficient, competitive sale of the Murietta Avenue Residence, and to promptly identify any alternative bids:

Qualified Bids. Only a qualified bidder ("Qualified Bidder") may bid on the Murietta Avenue Residence. The current buyers ("Buyers") are deemed to have satisfied all of the bidding conditions. Elizabeth Zaharian ("Debtor") will determine whether any other potential buyer qualifies as a Qualified Bidder. In order to be considered as the Qualified Bidder, a prospective purchaser must deliver to Debtor, care of Law Offices of Raymond H. Aver ("Aver Firm"), by no later than three (3) court days prior to the date of the hearing of the motion to sell ("Motion To Sell"), unless a different deadline is set by the Court ("Bid Deadline"): (a) a non-contingent offer to purchase the Murietta Avenue Residence; (b) written proof of the prospective purchaser's financial ability to close the transaction, adequacy of which must be deemed satisfactory to Debtor; and (c) a \$56,400.00 deposit in the form of a cashier's check, payable to the Aver Firm, general insolvency counsel to Debtor ("Overbid Deposit"). The bid shall not be subject to any financing contingency, due diligence contingency, or any contingency relating to internal approvals or consents. Debtor reserves the right to request any additional information/documents that may assist Debtor in evaluating, among other things, the bidder's ability to consummate a transaction, bidder's legal authority to bid and/or the bidder's ability to fulfill its obligations in connection therewith. If no qualified bids are received by the Bid Deadline, then the Buyers will be deemed the successful bidder, and Debtor will immediately pursue issuance of an order authorizing sale of the Murietta Avenue Residence to the Buyers.

Bidding Increments. An initial competing bid must exceed the \$1.875 million purchase price by at least \$5,000.00. A competing bid may not provide for the competing bidder to receive a break up fee, topping fee, expense reimbursement, or other similar fee or arrangement. At the auction, each subsequent bid shall be in increments of no less than \$1,000.00 or as otherwise agreed by the bidders or set by the Court.

Auction. The Qualified Bidders, including the Buyers, must appear in person or through a duly-authorized representative at the hearing of the Motion To Sell. The auction sale of the Murietta Avenue Residence will be conducted at the hearing of the Motion To Sell. Only Qualified Bidders, including the Buyers, will be entitled to bid at the hearing. If more than one bidder appears at the auction, the bidding order will be randomly selected.

Consummation Of Sale. Upon conclusion of the auction, Debtor will decide which bid is the best bid ("Successful Bid"). In the event the sale of the Murietta Avenue Residence to the Successful Bidder fails to occur by reason of any failure of performance, breach or default by the Successful Bidder, then the Successful Bidder's deposit will be automatically forfeited to Debtor and her estate as liquidated damages.

Backup Bid. Upon conclusion of the auction, Debtor may also decide which bid is the second best bid ("Backup Bid"). If the Successful Bidder fails to close the sale of the Murietta Avenue Residence, then Debtor may sell the Murietta Avenue Residence to the Qualified Bidder who submitted the Backup Bid without further court order, in which event the Backup Bidder must pay the amount of the Backup Bid. If the sale of the Murietta Avenue Residence to the Backup Bidder fails to occur by reason of any failure of performance, breach or default by the Backup Bidder, then the Backup Bidder's deposit will be automatically forfeited to Debtor and her estate as liquidated damages.

Return Of Overbid Deposits. The Overbid Deposit from the Successful Bidder and the Backup Bidder will become non-refundable upon conclusion of the hearing. The Overbid Deposit of each unsuccessful bidder will be returned immediately. The Overbid Deposit submitted by the Backup Bidder will be returned promptly following the close of escrow for the sale of the Murietta Avenue Residence to the Successful Bidder.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

10801 National Boulevard, Suite 100, Los Angeles, California 90064.

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 07/18/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) 07/18/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 07/18/2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Victoria S. Kaufman

Bin on 1st Floor outside entry to Clerk's Office

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

07/18/2019

Ani Minasyan

Date

Printed Name

Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

SERVICE LIST

VIA NEF

- Raymond H. Aver ray@averlaw.com,
averlawfirm@gmail.com;ani@averlaw.com;katya@averlaw.com
- Russell Clementson russell.clementson@usdoj.gov
- Brian T Harvey bharvey@buchalter.com,
IFS_filing@buchalter.com;dbodkin@buchalter.com
- United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

VIA U.S. MAIL

Ani Y. Krikorian
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Tarzana, CA 91356

Anough Yergan Living Trust
4411 Los Feliz Boulevard, #701
Los Angeles, CA 90027

Cedars Sinai Medical Center
c/o Sequoia Financial Services
28632 Roadside Drive, Suite 110
Agoura Hills, CA 91301

Citibank
P.O. Box 790034
St. Louis, MO 63179-0034

Citi Cards
P.O. Box 78045
Phoenix, AZ 85062-8045

CitiBank
P.O. Box 6004
Sioux Falls, SD 57117

Franchise Tax Board
Bankruptcy Unit MS A340
P.O. Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
300 North Los Angeles Street
Stop 5027
Los Angeles, California 90012

Los Angeles County Tax Collector
P.O. Box 54018
Los Angeles, CA 90054

Los Angeles County Tax Collector
P.O. Box 54110
Los Angeles, CA 90054

Macy's
P.O. Box 8058
Mason, OH 45040-8058

Mortgage Electronic Registration
Systems, Inc. (MERS)
P.O. Box 2026
Flint, MI 48501-2026

Ocwen Loan Servicing, LLC
1795 International Way
Idaho Falls, ID 83402

Pacific M. Int'l Corp
Parviz Mossighi
550 South Hill Street, #980
Los Angeles, CA 90013

Pacific M. International Corp.
Attn: Isaac E. Musighi
1265 Benedict Canyon
Beverly Hills, California 90210

Philip Kraus
c/o Olympia Financial
16633 Ventura Boulevard, #1050
Encino, CA 91436

Philip Kraus
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San Fernando, CA 91340

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Atkinson, Andelson, Loya, Ruud & Romo, APC
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Cerritos, CA 90703

Prijem's Inc.
550 South Hill Street, #891
Los Angeles, CA 90013

Residential Mortgage Funding, Inc.
3516 East Balmoral Drive
Orange, CA 92869

Residential Mortgage Fundings, Inc.
c/o Ocwen Loan Servicing, LLC
P.O. Box 24738
West Palm Beach, FL 33416

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12800 Center Court Drive S, Suite 300
Cerritos, CA 90703

Strategic Funding Source, Inc.
a New York Corporation
120 West 45th Street
New York, NY 10036

Strategic Funding Source, Inc.
Attn: CSC - Lawyers Incorporating Service, Agent For Service of Process
251 Little Falls Drive
Wilmington, DE 19808

Strategic Funding Source, Inc.
c/o Michael Muse-Fisher, Esquire
Buchalter, A Professional Corporation
1000 Wilshire Boulevard, Suite 1500
Los Angeles, California 90017

U.S. Bank National Association
Attn: Cashiering Department
1661 Worthington Road, Ste 100
West Palm Beach, FL 33409

U.S. Bank, National Association
c/o Ocwen Loan Servicing, LLC
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West Palm Beach, FL 33416

U.S. Bank, National Association
c/o Sean C. Ferry, Authorized Agent
Robertson Anschutz & Schneid
7676 Hazard Center Drive, Suite 500
San Diego, CA 92108

U.S. Bank, National Association
425 Walnut Street
Cincinnati, OH 45202